

BOARD OF ADJUSTMENT

MINUTES

THURSDAY
AUGUST 9, 2007

1:00
PM

COMMISSIONER CHAMBERS,
ADMINISTRATION BUILDING

CALLED TO ORDER BY	Donald Schreiner, Chairman, noted for the record that there was a quorum present. He confirmed Proof of Publication for each case and noted that the meeting had been advertised pursuant to the Sunshine Statute.
RECORDING SECRETARY	Anna Ely
BOARD ATTENDEES	Donald Schreiner Mary Link Bennett Ruth Gray Howard B. (Bob) Fox, Jr. Lloyd Atkins, Jr.
NOT PRESENT	Henry Wolsmann Steven Berk
DEPARTMENT OF GROWTH MANAGEMENT REPRESENTATIVES	Carol Stricklin, Growth Management Director Anita Greiner, Chief Planner, Zoning Division Paul Simmons, Planner, Zoning Division Anna Ely, Public Hearing Coordinator, Zoning Division
BOARD ATTORNEY	LeChea Parson, Assistant County Attorney I

MINUTE APPROVAL

APPROVAL OF JULY 12, 2007 MINUTES

MOTION READS:	To approve the minutes of the Board of Adjustment meeting of JULY 12, 2007.		
MOTION BY:	MARY LINK BENNETT	SECONDED BY	RUTH GRAY
MOTION APPROVED: 4-0	FOR: Donald Schreiner Mary Link Bennett Ruth Gray Howard B. (Bob) Fox, Jr.		AGAINST: None

WITHDRAWALS

BOA#40-07-3 KATIE M. BALIC/BRANKO BALIC
BOA#41-07-3 SOUTH LAKE BUILDERS INC/BRANKO BALIC
BOA#66-07-3 WILSON GREEN, JR. TRUSTEE/TED WICKS, AGENT
BOA#68-07-3 WILSON GREEN, JR. TRUSTEE/TED WICKS, AGENT
BOA#78-07-4 CHARLIE JOHNSON BUILDER, INC.

DISCUSSION	There was no objection to BOA#40-07-3, BOA#41-07-3, BOA#66-07-3, BOA#68-07-3 and BOA#78-07-4 being withdrawn.		
MOTION READS:	To approve the withdrawal of BOA#40-07-3, BOA#41-07-3, BOA#66-07-3, BOA#68-07-3 and BOA#78-07-4.		
MOTION BY:	MARY LINK BENNETT	SECONDED BY	RUTH GRAY
MOTION APPROVED: 5-0	FOR: Donald Schreiner Mary Link Bennett Ruth Gray Howard B. (Bob) Fox, Jr. Lloyd Atkins, Jr.		AGAINST: None

POSTPONEMENTS

DISCUSSION	There was no objection to postponement of BOA#80-07-3, BOA#87-07-1 and BOA#90-07-4.		
MOTION READS:	To approve the postponement of BOA#80-07-3, BOA#87-07-1 and BOA#90-07-4 until the September 13, 2007 Board of Adjustment public hearing with BOA#80-07-3 to be placed first on the agenda.		
MOTION BY:	MARY LINK BENNETT	SECONDED BY	RUTH GRAY
MOTION APPROVED: 5-0	FOR: Donald Schreiner Mary Link Bennett Ruth Gray Howard B. (Bob) Fox, Jr. Lloyd Atkins, Jr.		AGAINST: None

BOA#81-07-4 JOHN R. AND PATRICIA A. BUXMAN

BOA#82-07-4 MATTHEW M. DAVIES

CHRIS BENNETT

BOA#83-07-3 DONALD L. SLAGER AND ANTHONY JACHIM

ARCHIE O. LOWRY, JR.

BOA#84-07-3 JOHN T. AND JOYCE E. HECIMOVICH

BOA#85-07-5 ANDREW AND VALERI GRUB

BOA#88-07-4 ERIC & RIMA MICHAUD

A+ CONSTRUCTION, INC. / JOEL ANDERSON

DISCUSSION	There was no objection to BOA#81-07-4, BOA#82-07-4, BOA#83-07-3, BOA#84-07-3, BOA#85-07-5 and BOA#88-07-4 remaining on the consent agenda.		
MOTION READS:	To approve BOA#81-07-4, BOA#82-07-4, BOA#83-07-3, BOA#84-07-3, BOA#85-07-5 and BOA#88-07-4 with conditions of staff.		
MOTION BY:	RUTH GRAY	SECONDED BY	LLOYD ATKINS, JR.
MOTION APPROVED: 5-0	FOR: Donald Schreiner Mary Link Bennett Ruth Gray Howard B. (Bob) Fox, Jr. Lloyd Atkins, Jr.		AGAINST: None

BOA#79-07-5

JOSEPH E PREVEDEL, JR

PATRICIA MUELLER

DISCUSSION	Anita Greiner, Chief Planner, added removal of two sheds located within the proposed easement as a condition of approval.		
MOTION READS:	TO APPROVE the BOA#79-07-5 with the condition that the two sheds located within the setback of the proposed easement, as shown on the submitted site plan, be removed within 120 days and County staff will inspect site to verify removal.		
MOTION BY:	RUTH GRAY	SECONDED BY	MARY LINK BENNETT
MOTION APPROVED 5-0	FOR: Donald Schreiner Mary Link Bennett		AGAINST: None

	Ruth Gray Howard B. (Bob) Fox, Jr. Lloyd Atkins, Jr.		
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BOA#86-07-2

RICHARD C. AND PATRICIA SCHLAMEL
JIMMY CRAWFORD

DISCUSSION	Anita Greiner, Chief Planner, added an exhibit ("Exhibit 1") to the staff report. She added as a condition that the lot split must adhere to the site plan ("Exhibit 1").		
MOTION READS:	TO APPROVE the BOA#86-07-2 with the condition that the property be split and the easement must be created in accordance with the site plan ("Exhibit 1") as submitted.		
MOTION BY:	RUTH GRAY	SECONDED BY	MARY LINK BENNETT
MOTION APPROVED 5-0	FOR: Donald Schreiner Mary Link Bennett Ruth Gray Howard B. (Bob) Fox, Jr. Lloyd Atkins, Jr.		AGAINST:

BOA#89-07-2

CAGAN CROSSINGS TOWN CENTER, LLC

DISCUSSION	<p>Paul Simmons, Planner, presented the case and showed a site plan of the residential area (County Exhibit "A"). He stated that staff recommendation of denial is based on staff's belief that the applicant had not shown a substantial hardship, submitted proof of meeting the intent of the Code or shown violation of principles of fairness.</p> <p>William Deas, Attorney, and Jeff and Sandra Cagan, owners, were present to represent their case.</p> <p>Mr. Deas showed the site plan (Applicant Exhibit "A"), photographs (Applicant Exhibit "B") and an aerial (Applicant Exhibit "C"), and explained that the development is designed using the Traditional Neighborhood Development design standards and is unique in that it also includes affordable housing. Ms. Cagan pointed out the town center on the site plan and Mr. Deas explained that all the stores face inward into the center of the development. They showed street level photographs of the town center (Applicant Exhibit "D"), an artist rendering (Applicant Exhibit "E") and a conceptual drawing (Applicant Exhibit "F") showing the layout of the town center and the surrounding residential buildings. Mr. Deas explained that none of the store fronts are visible from U.S. Highway 27, and explained the need for signage to let people know where they need to turn. Mr. Cagan explained that the back of the building and parking lots are the only items visible from the highway. The parking lots and highway become the "B" street and the main road inside the development becomes the "A" street.</p> <p>Mr. Deas spoke of the sign ordinance and the fact that it doesn't cover a situation such as Cagan Crossings. He explained that in 2004 they filed their application and submitted construction plans that showed the two signs (Applicant Exhibit "G") and the location of them. He stated that plans were approved by the County, building permits were issued and they constructed the center in accordance with the approved plans. He stated that tenants are</p>
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<p>moving in and stores are opening and are in need of signage. He spoke of the size limitations and the need for more than one sign to reduce the danger for those turning off the highway.</p> <p>Mr. Deas explained that the other alternative to the variance request is to amend the PUD ordinance, which would take three to six months and cost \$35,000 to \$50,000.</p> <p>Mr. Deas stated that it is their belief that they have shown substantial hardship and meet the principles of unfairness, and it is their belief that the variance request satisfies the intent of the sign ordinance. He spoke of the need for signage on U.S. Highway 27, not only to show that the stores exist but also to allow time for drivers to safely get in the proper lane to turn into the center. Mr. Deas explained that there are no other ground signs within the development and that the only signage exists on the front of the stores, which face inward into the town center. Mr. Cagan showed the aerial and pointed out the entrance to the development from U.S. Highway 27. He explained that the signs would be located on Cagan Crossings property and would mark the entrance of the development from both the north and south.</p> <p>Dan Hayes with Mid Florida Signs explained the illumination of the signs. Mr. Cagan showed a copy of the sign construction plans detailing the size and copy area of the sign (Applicant Exhibit "H").</p> <p>Paul Simmons, Planner, explained that the signs were not shown on the original engineering plans; they were shown on the signed construction plans. Mr. Cagan pointed out that the requested signs are actually smaller than those shown on the construction plans.</p>			
MOTION READS:		TO APPROVE BOA# 89-07-2 to allow two commercial ground signs as shown in the exhibit (Exhibit "H").	
MOTION BY:	HOWARD B. (BOB) FOX, JR.	SECONDED BY	LLOYD ATKINS, JR.
MOTION APPROVED 5-0	FOR: Donald Schreiner Mary Link Bennett Ruth Gray Howard B. (Bob) Fox, Jr. Lloyd Atkins, Jr.		AGAINST: None

The meeting was adjourned at 2:04 p.m.

Respectfully submitted.

Anna Ely, Recording Secretary

Donald Schreiner, Chairman